

IN THE

Court of Appeal of the State of California

IN AND FOR THE

Fifth Appellate District

COURTROOM PROCEEDINGS

The court met in its courtroom at 10:00 A.M. Present: Honorable James A. Ardaiz, Presiding Justice; Honorable Steven M. Vartabedian, Associate Justice; Honorable Herbert I. Levy, Associate Justice; and Eve Sproule, Court Administrator/Clerk, by Robert Abilez, Deputy Clerk.

F029474 People v. Barnes

Cause called and no response by Laurance Smith, Esq., counsel for appellant. Catherine G. Tennant, Esq., Deputy Attorney General, counsel for respondent waived oral argument.

Cause ordered submitted.

At this point Vartabedian, J. and Levy, J. leave the bench; they are replaced by Stone (W.A.), J. and Harris, J.

F028700 People v. Franks

George A. Boyle, Esq., counsel for appellant waived oral argument. Julie Erdmann, Esq., Deputy Attorney General, counsel for respondent waived oral argument.

Cause ordered submitted.

At this point Ardaiz, P.J. directs Stone (W.A.), J. to act as Presiding Justice in his absence, leaves the bench and is replaced by Levy, J.

F028868 People v. Fernandez

Cause called and argued by Brendon T. Ishikawa, Esq., counsel for appellant. Timothy L. Rieger, Esq., Deputy Attorney General, counsel for respondent waived oral argument.

Cause ordered submitted.

At this point Harris, J. leaves the bench and is replaced by Vartabedian, J.

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F029955 People v. Barfield

Cause called and argued by Jonathan Soglin, Esq., counsel for appellant. Garrick Chock, Esq., Deputy Attorney General, counsel for respondent waived oral argument.

Cause ordered submitted. The court reconvened in its courtroom at 1:30 P.M. Present: Honorable William A. Stone, Acting Presiding Justice; Honorable Steven M. Vartabedian, Associate Justice; Honorable James F. Thaxter, Associate Justice; and Eve Sproule, Court Administrator/Clerk, by Robert Abilez, Deputy Clerk.

F029315 Childress et al., v. Fireman's Fund Ins. Co.

Cause called and argued by Daniel O. Jamison and Kimberly Gaab, Esq., counsel for appellant and by Ira D. Goldberg, Esq., counsel for respondent.

Cause ordered submitted.

Court recessed until Friday, November 13, 1998 at 10:00 A.M.

F031460 People v. Burtness

No brief having been filed by appellant after notice duly given under rule 17(c) of the California Rules of Court, IT IS HEREBY ORDERED that the appeal in the above-entitled action is dismissed.

F028209 People v. Guinn

The judgment is affirmed.

By the Court.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

F031868 Gaines v. Vela

Let a writ of supersedeas issue staying enforcement of the judgment filed on August 17, 1998, requiring, inter alia, transfer of title to the property located at 3227 West Whitendale Avenue, Visalia, California, to the Estate of Jerry L. Silva, deceased. Said stay shall be in effect pending determination of the appeal or further order of this court.

F031832 Gaines v. Superior Court, Tulare; Vela

The petition for writ of mandate or prohibition is denied.

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F031752 Wanda R. v. Superior Court, Kern County; Kern County Dept. of Human Services

Counsel having failed to request oral argument in the above-entitled case, oral argument is deemed waived in accordance with the provisions of a notice heretofore mailed to counsel and the cause is submitted.

F027118 Central Green Co. v. The Ponderosa Telephone Co.

The judgment is affirmed with regard to the installation of the 1980 and 1995 cables under the 1979 easement. That portion of the judgment relating to the 1970 cable is vacated and dismissed.

Stone (W.A.), Acting P.J.

We concur: Harris, J.; Buckley, J.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

F031728 Brian J. v. Superior Court, Kings; Kings County Human Services Agency

Oral argument having been waived in the above-entitled case in accordance with the provisions of a notice mailed to counsel, the calendar date heretofore set is vacated and the case is submitted for decision.

F029494 People v. Ledesma

Counsel having failed to request oral argument in the above-entitled case, oral argument is deemed waived in accordance with the provisions of a notice heretofore mailed to counsel and the cause is submitted.

F027820 People v. Santiago

Counsel having failed to request oral argument in the above-entitled case, oral argument is deemed waived in accordance with the provisions of a notice heretofore mailed to counsel and the cause is submitted.